

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

In re:

GATSBYS MEN WEAR, LLC

Debtor

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§  
§  
§

Case No. 17-10785 TMD

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**TRUSTEE'S FINAL REPORT (TFR)**

The undersigned trustee hereby makes this Final Report and states as follows:

1. A petition under chapter 11 of the United States Bankruptcy Code was filed on 06/26/2017 . The case was converted to one under Chapter 7 on 04/29/2019 . The undersigned trustee was appointed on 05/01/2019 .
2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.
3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.

4. The trustee realized gross receipts of \$ 8,700.00

Funds were disbursed in the following amounts:

Payments made under an interim disbursement	0.00
Administrative expenses	0.00
Bank service fees	0.00
Other payments to creditors	0.00
Non-estate funds paid to 3 <sup>rd</sup> Parties	0.00
Exemptions paid to the debtor	0.00
Other payments to the debtor	0.00
Leaving a balance on hand of <sup>1</sup>	\$ 8,700.00

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<sup>1</sup> The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. §326(a) on account of the disbursement of the additional interest.

The remaining funds are available for distribution.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

6. The deadline for filing non-governmental claims in this case was 08/06/2019 and the deadline for filing governmental claims was . All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$ 1,620.00 . To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$ 0.00 as interim compensation and now requests a sum of \$ 1,620.00 , for a total compensation of \$ 1,620.00 <sup>2</sup>. In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$ 0.00 , and now requests reimbursement for expenses of \$ 465.10 , for total expenses of \$ 465.10 <sup>2</sup>.

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: 09/25/2019 By: /s/RANDOLPH N. OSHEROW  
Trustee

**STATEMENT:** This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

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<sup>2</sup> If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D).

**INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT  
ASSET CASES**
Page: 1  
Exhibit A

Case No: 17-10785 TMD Judge: Tony M. Davis - Austin  
 Case Name: GATSBYS MEN WEAR, LLC

For Period Ending: 09/25/19

Trustee Name: RANDOLPH N. OSHEROW  
 Date Filed (f) or Converted (c): 04/29/19 (c)  
 341(a) Meeting Date: 05/31/19  
 Claims Bar Date: 08/06/19

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1. Wells Fargo checking ending 0225	0.00	0.00		0.00	FA
2. Wells Fargo checking ending 6181	0.00	0.00		0.00	FA
3. VOID (u)	Unknown	0.00		0.00	FA
4. VOID (u)	Unknown	0.00		0.00	FA
5. VOID (u)	Unknown	0.00		0.00	FA
6. VOID (u)	Unknown	0.00		0.00	FA
7. VOID (u)	Unknown	0.00		0.00	FA
8. Security deposit Hill Country Galleria	3,777.68	3,777.68		0.00	FA
9. VOID (u)	Unknown	0.00		0.00	FA
10. VOID (u)	Unknown	0.00		0.00	FA
11. VOID (u)	Unknown	0.00		0.00	FA
12. VOID (u)	Unknown	0.00		0.00	FA
13. Internet domain names and websites http://www.gatsbysclothier.com	1.00	1.00		0.00	FA
14. Preferential transfer claims/creditors  Ram Capital Funding, LLC Swift Capital Ace Funding Source Everest Funding Yellowstone Capital Payment Pro Systems, LLC White Oak aka Capital Business Credit Capital Stack LLC Quarter Spot Kash Capital Cap Call, LLC	Unknown	0.00		0.00	FA
15. Refund of \$5000 Legal Fees Frederick E Walker (u)	0.00	5,000.00		5,000.00	FA
16. CSH HCG RETAIL LLC REFUND (u)	0.00	3,700.00		3,700.00	FA
17. WELLS FARGO CHECKING ENDING 6172	0.00	0.00		0.00	FA
18. WELLS FARGO CHECKING ENDING 6164	0.00	0.00		0.00	FA
19. KASH CAPITAL LLC DEFAULT JUDGMENT LISTED AT \$6000.00	6,000.00	0.00		0.00	FA
20. POWERLINE DEFAULT JUDGMENT LISTED AT \$6664.00	6,664.00	0.00		0.00	FA
21. ASSURE FUNDING LLC DEFAULT JUDGMENT LISTED AT \$1100	1,100.00	0.00		0.00	FA
22. ML FACTORS FUNDING LLC LISTED AT \$35,000	35,000.00	0.00		0.00	FA
23. ASSURE DEFAULT JUDGMENT LISTED AT 5275	5,275.00	0.00		0.00	FA

	Value of Remaining Assets		
TOTALS (Excluding Unknown Values)	\$57,817.68	\$12,478.68	\$8,700.00
	\$0.00		
	(Total Dollar Amount in Column 6)		

**INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT  
ASSET CASES**Page: 2  
Exhibit A

Case No: 17-10785 TMD Judge: Tony M. Davis - Austin  
Case Name: GATSBYS MEN WEAR, LLC

Trustee Name: RANDOLPH N. OSHEROW  
Date Filed (f) or Converted (c): 04/29/19 (c)  
341(a) Meeting Date: 05/31/19  
Claims Bar Date: 08/06/19

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Major activities affecting case closing which are not reflected above, and matters pending, date of hearing or sale, and other action:

Initial Projected Date of Final Report (TFR): 12/31/20

Current Projected Date of Final Report (TFR): 12/31/20

## ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 17-10785  
 Case Name: GATSBYS MEN WEAR, LLC  
 Taxpayer ID No: \*\*\*\*\*9902  
 For Period Ending: 09/25/19

Trustee Name: RANDOLPH N. OSHEROW  
 Bank Name: Axos Bank  
 Account Number / CD #: \*\*\*\*\*0374 Checking Account (Non-Interest Earn  
 Blanket Bond (per case limit): \$ 66,500,000.00  
 Separate Bond (if applicable):

1	2	3	4	5	6	7	
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
06/23/19	15	FRED A. WALKER, P.C. ATTORNEY AT LAW	BALANCE FORWARD REFUND LEGAL FEES FRED WALKER	1290-000	5,000.00		0.00 5,000.00
06/24/19	16	CSH HCG RETAIL LLC	CSH HCG RETAIL LLC REFUND	1290-000	3,700.00		8,700.00

COLUMN TOTALS	8,700.00	0.00	8,700.00
Less: Bank Transfers/CD's	0.00	0.00	
Subtotal	8,700.00	0.00	
Less: Payments to Debtors		0.00	
Net	8,700.00	0.00	
		NET	ACCOUNT
TOTAL - ALL ACCOUNTS	NET DEPOSITS	DISBURSEMENTS	BALANCE
Checking Account (Non-Interest Earn - *****0374	8,700.00	0.00	8,700.00
	-----	-----	-----
	8,700.00	0.00	8,700.00
	=====	=====	=====
(Excludes Account Transfers)	(Excludes Payments To Debtors)	Total Funds On Hand	

Page Subtotals 8,700.00 0.00

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**EXHIBIT C**  
**ANALYSIS OF CLAIMS REGISTER**

Date: September 25, 2019

Case Number: 17-10785 Debtor Name: GATSBYS MEN WEAR, LLC		Claim Class Sequence				
Code #	Creditor Name & Address	Claim Class	Notes	Scheduled	Claimed	Allowed
000027	Jane Allen CPA	Administrative		\$3,178.00	\$3,178.00	\$3,178.00
002	907 RR 620 S, #302	(27-1) Accounting Services				
6700-00	Austin, TX 78734	Accountant for Debtor Company.				
000030	United States Trustee	Administrative		\$0.00	\$4,716.28	\$4,716.28
001	903 San Jacinto Blvd., Room 230					
2950-00	Austin, TX 78701					
Subtotal for Class Administrative				\$3,178.00	\$7,894.28	\$7,894.28
000001	Capital Stack LLC	Secured		\$0.00	\$23,555.88	\$0.00
050	11 Broadway, Ste 814	(1-1) Account Number (last 4 digits):9902				
4210-00	New York, NY 10004	claim withdrawn				
000002	Capital Stack, LLC	Secured		\$0.00	\$23,555.88	\$0.00
050	The Rubin Law Firm, LLC	(2-1) Duplicates claim #1				
4210-00	11 Broadway, Suite 814	(2-1)				
	New York, NY 10004	Account Number (last 4 digits):0257				
000009	JPMorgan Chase Bank, N.A.	Secured		\$0.00	\$476,148.21	\$0.00
050	Vincent Serafino Geary Waddell					
4210-00	Jenevein,					
	1601 Elm Street, Ste. 4100					
	Dallas, TX 75201					
000010	Atlas Acquisitions LLC	Secured		\$0.00	\$134,035.19	\$0.00
050	294 Union St.					
4210-00	Hackensack, NJ 07601					
000015	Travis County	Secured		\$0.00	\$5,008.62	\$0.00
050	c/o Kay D. Brock					
4700-07	P.O. Box 1748					
	Austin, TX 78767					
000023	Travis County	Secured		\$0.00	\$5,915.47	\$0.00
050	c/o Kay D. Brock					
4700-07	P.O. Box 1748					
	Austin, TX 78767					
Subtotal for Class Secured				\$0.00	\$668,219.25	\$0.00
000011A	Comptroller of Public Accounts	Priority		\$0.00	\$22,371.74	\$0.00
051	c/o Office of the Attorney General	(11-1) CLAIM W/DRAWN AS PER 2/21/19				
5800-00	Bankruptcy - Collections Division	LTR..				
	MC-008					
	PO Box 12548					
	Austin TX 78711-2548					
000013	Comptroller of Public Accounts	Priority		\$0.00	\$2,483.89	\$0.00
051	c/o Office of the Attorney General	(13-1) CLAIM W/DRAWN AS PER 2/21/19				
5800-00	Bankruptcy - Collections Division	LTR..				
	MC-008					
	PO Box 12548					

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EXHIBIT C  
ANALYSIS OF CLAIMS REGISTER

Date: September 25, 2019

Case Number:	17-10785	Claim Class Sequence					
Debtor Name:	GATSBYS MEN WEAR, LLC						
Code #	Creditor Name & Address	Claim Class	Notes	Scheduled	Claimed	Allowed	
Austin TX 78711-2548							
000028	Comptroller of Public Accounts	Priority		\$0.00	\$2,200.30	\$2,200.30	
051	c/o Office of the Attorney General	(28-1) Sales and Use Tax. 151 (321,					
5800-00	Bankruptcy - Collections Division	322, 323)					
	MC-008						
	PO Box 12548						
	Austin TX 78711-2548						
Subtotal for Class Priority				\$0.00	\$27,055.93	\$2,200.30	
000004	Waterside Brands Inc	Unsecured		\$0.00	\$5,957.55	\$5,957.55	
070	c/o Andrea Pack, Fish Hippie						
7100-00	PO Box 631						
	Mount Airy, NC 27030						
000005	Genesco Inc - DBA Johnston & Murphy /	Unsecured		\$11,204.42	\$11,204.42	\$11,204.42	
070	Trask	(5-1) Account Number (last 4 digits):7387					
7100-00	1415 Murfreesboro Rd Ste 410						
	Nashville, TN 37217						
000006	DDMG Inc aka David Donahue Inc.	Unsecured		\$4,467.35	\$4,467.35	\$4,467.35	
070	901 Penhorn Ave	(6-1) Account Number (last 4 digits):S001					
7100-00	Unit 8						
	Secaucus, NJ 07094						
000007	Oxford Industries	Unsecured		\$211,685.41	\$211,685.41	\$211,685.41	
070	999 Peach Tree St NE, Ste 688						
7100-00	Atlanta, GA 30309						
000008	Robert Graham	Unsecured		\$32,696.39	\$32,696.39	\$0.00	
070	264 West 40th St, 8th Floor	duplicate of 24, deny					
7100-00	New York, NY 10018						
000012	Toes On The Nose	Unsecured		\$2,443.04	\$2,443.04	\$2,443.04	
070	1537 Monrovia Ave.	filed as priority, goods sold, trustee reclassifying as unsecured					
7100-00	Newport Beach, CA 92663						
000014	Insignia Dress	Unsecured		\$0.00	\$2,291.43	\$2,291.43	
070	c/o Commercial Collection Corp						
7100-00	34 Seymour St						
	Tonawanda NY 14150						
000016	WH Clothiers Inc	Unsecured		\$4,517.25	\$4,517.25	\$4,517.25	
070	59 East Broad St						
7100-00	Hoschton, GA 30548						
000017	CSHV HCG Retail, LLC	Unsecured		\$0.00	\$20,528.60	\$20,528.60	
070	CBRE Asset Services						
7100-00	c/o Preston Pillsbury						
	8080 Park Lane, Suite 800						
	Dallas, TX 75231						

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**EXHIBIT C**  
**ANALYSIS OF CLAIMS REGISTER**

Date: September 25, 2019

Case Number: 17-10785		Claim Class Sequence				
Code #	Creditor Name & Address	Claim Class	Notes	Scheduled	Claimed	Allowed
000018	Hickey Freeman	Unsecured		\$15,129.24	\$15,129.24	\$15,129.24
070	1155 CLinton Ave	(18-1) Account Number (last 4 digits):6043				
7100-00	Rochester, NY 14621					
000019	White Oak Commercial Finance, LLC	Unsecured		\$0.00	\$0.00	\$0.00
070	1155 Avenue of the Americas	claim has been amended to -0-				
7100-00	New York, NY 10036					
000020	JZ Richards LTD	Unsecured		\$9,735.09	\$9,735.09	\$9,735.09
070	1880 S Flatiron Ct St H1					
7100-00	Boulder, CO 80301					
000021	Swift Financial	Unsecured		\$0.00	\$43,510.42	\$43,510.42
070	3505 Silverside, Ste 200					
7100-00	Wilmington, DE 19810					
000022	Euler Hermes NA Insurance Co	Unsecured		\$0.00	\$7,059.82	\$7,059.82
070	Assignee for Throat Threads Apparel Inc.					
7100-00	1155 Boul, Rene Levesque West #2810					
	Montreal QC H3B 2L2					
000024	Robert Graham Designs LLC	Unsecured		\$0.00	\$47,150.08	\$47,150.08
070	264 West 40th Street, 8th Floor	duplicate of 8, allow				
7100-00	Apt. # / Unit					
	New York, NY 10018					
000025	Hugo Boss	Unsecured		\$11,500.00	\$12,404.73	\$12,404.73
070	55 Water St., 48th Floor					
7100-00	New York, NY 10041					
000026	Toes On The Nose	Unsecured		\$0.00	\$2,443.04	\$0.00
070	1537 Monrovia Ave.	(26-1) See claim #12				
7100-00	Newport Beach, CA 92663	duplicate of claim 12, deny				
000029	Coppley Ltd.	Unsecured		\$16,403.00	\$14,991.53	\$14,991.53
070	56 York Blvd	(29-1) Account Number (last 4 digits):1327				
7100-00	Hamilton, ON, Canada					
	L8R 0A2					
Subtotal for Class Unsecured				\$319,781.19	\$448,215.39	\$413,075.96
Case Totals:				\$322,959.19	\$1,151,384.85	\$423,170.54

Code #: Trustee's Claim Number, Priority Code, Claim Type

### TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 17-10785 TMD

Case Name: GATSBYS MEN WEAR, LLC

Trustee Name: RANDOLPH N. OSHEROW

Balance on hand	\$	8,700.00
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Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payment to Date	Proposed Payment
000001	Capital Stack LLC	\$ 23,555.88	\$ 0.00	\$ 0.00	\$ 0.00
000002	Capital Stack, LLC	\$ 23,555.88	\$ 0.00	\$ 0.00	\$ 0.00
000009	JPMorgan Chase Bank, N.A.	\$ 476,148.21	\$ 0.00	\$ 0.00	\$ 0.00
000010	Atlas Acquisitions LLC	\$ 134,035.19	\$ 0.00	\$ 0.00	\$ 0.00
000015	Travis County	\$ 5,008.62	\$ 0.00	\$ 0.00	\$ 0.00
000023	Travis County	\$ 5,915.47	\$ 0.00	\$ 0.00	\$ 0.00

Total to be paid to secured creditors	\$	0.00
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Remaining Balance	\$	8,700.00
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Applications for chapter 7 fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee Fees: RANDOLPH N. OSHEROW	\$ 1,620.00	\$ 0.00	\$ 1,620.00
Trustee Expenses: RANDOLPH N. OSHEROW	\$ 465.10	\$ 0.00	\$ 465.10
Fees: United States Trustee	\$ 4,716.28	\$ 0.00	\$ 4,716.28
Total to be paid for chapter 7 administrative expenses		\$ 6,801.38	
Remaining Balance		\$ 1,898.62	

Applications for prior chapter fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Other: Jane Allen CPA	\$ 3,178.00	\$ 0.00	\$ 1,898.62
Total to be paid for prior chapter administrative expenses			\$ 1,898.62
Remaining Balance			\$ 0.00

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$ 2,200.30 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
000011A	Comptroller of Public Accounts	\$ 0.00	\$ 0.00	\$ 0.00
000013	Comptroller of Public Accounts	\$ 0.00	\$ 0.00	\$ 0.00
000028	Comptroller of Public Accounts	\$ 2,200.30	\$ 0.00	\$ 0.00
Total to be paid to priority creditors				\$ 0.00
Remaining Balance				\$ 0.00

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$ 413,075.96 have been allowed and will be paid *pro rata* only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 0.0 percent, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
000004	Waterside Brands Inc	\$ 5,957.55	\$ 0.00	\$ 0.00
000005	Genesco Inc - DBA Johnston & Murphy /	\$ 11,204.42	\$ 0.00	\$ 0.00
000006	DDMG Inc aka David Donahue Inc.	\$ 4,467.35	\$ 0.00	\$ 0.00
000007	Oxford Industries	\$ 211,685.41	\$ 0.00	\$ 0.00
000008	Robert Graham	\$ 0.00	\$ 0.00	\$ 0.00
000012	Toes On The Nose	\$ 2,443.04	\$ 0.00	\$ 0.00
000014	Insignia Dress	\$ 2,291.43	\$ 0.00	\$ 0.00
000016	WH Clothiers Inc	\$ 4,517.25	\$ 0.00	\$ 0.00
000017	CSHV HCG Retail, LLC	\$ 20,528.60	\$ 0.00	\$ 0.00
000018	Hickey Freeman	\$ 15,129.24	\$ 0.00	\$ 0.00
000019	White Oak Commercial Finance, LLC	\$ 0.00	\$ 0.00	\$ 0.00
000020	JZ Richards LTD	\$ 9,735.09	\$ 0.00	\$ 0.00
000021	Swift Financial	\$ 43,510.42	\$ 0.00	\$ 0.00
000022	Euler Hermes NA Insurance Co	\$ 7,059.82	\$ 0.00	\$ 0.00
000024	Robert Graham Designs LLC	\$ 47,150.08	\$ 0.00	\$ 0.00
000025	Hugo Boss	\$ 12,404.73	\$ 0.00	\$ 0.00
000026	Toes On The Nose	\$ 0.00	\$ 0.00	\$ 0.00
000029	Coppley Ltd.	\$ 14,991.53	\$ 0.00	\$ 0.00

Total to be paid to timely general unsecured creditors \$ 0.00

Remaining Balance \$ 0.00

Tardily filed claims of general (unsecured) creditors totaling \$ 0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be 0.0 percent.

Tardily filed general (unsecured) claims are as follows:

NONE

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$ 0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be 0.0 percent.

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

NONE